

Message Text

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42

ACTION OFA-01

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 INT-05 DLOS-04

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PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 SCS-03 SCA-01 DOTE-00 TRSE-00 /077 W

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 7018

INFO COMDT COGARD SEVEN MIAMI

COMDT COGARD WASHDC

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E.O. 11652: N/A

TAGS: EFIS, CASC, BF

SUBJ: SPINY LOBSTER: CONSULAR PREPARATIONS

1. GIVEN SITUATION WHICH PREVAILS WITH RESPECT TO CLOSING TO U.S.-BASED FISHERMEN OF SPINY LOBSTER FISHERY IN THE BAHAMAS, EMBASSY HAS PREPARED GUIDELINES TO ASSIST ITS OFFICERS IN CARRYING OUT CONSULAR DUTIES WHICH MAY BE REQUIRED OF THEM. FOLLOWING IS FOR INFORMATION PURPOSES, HOWEVER, EMBASSY WOULD WELCOME ANY SUGGESTIONS OR COMMENTS OF ADDRESSEES. SPECIFICALLY, IF THE DEPARTMENT SEES IN THESE OPERATIONAL CONSULAR GUIDELINES ANY POTENTIAL FOR COMPROMISE OF CURRENT POLICY OR POINTS OF INTERNATIONAL LAW, WE REQUEST THAT WE BE ADVISED IMMEDIATELY, WITH ADVICE ON WHAT REVISIONS (OR ADDITIONS) SHOULD BE MADE IN THEM.

2. ARRESTS: IN THE PAST, IN THE EVENT OF THE ARREST AND SEIZURE OF A U.S. BASED FISHING VESSEL BY BAHAMIAN MARINE POLICE FOR FISHING INSIDE THE 12-MILE LIMIT, EMBASSY CONSULAR OFFICERS HAVE PROCEEDED AS THEY WOULD WITH ANY NORMAL CASE OF ARREST OF U.S. CITIZEN IN THE BAHAMAS. WE WOULD BASICALLY EXPECT

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TO RESPOND TO ARRESTS OVER THE BAHAMIAN CLAIMED CONTINENTAL

SHELF AREA IN THE SAME MANNER. EMBASSY WOULD EXPECT TO BE NOTIFIED BY BAHAMIAN POLICE OF THE ARREST AS SOON AS INDIVIDUALS ARRIVE IN NASSAU BUT HAS TAKEN STEPS TO ESTABLISH COMMUNICATIONS WITH COGUARD MIAMI AND TO MONITOR MARINE POLICE FREQUENCIES USING EMBASSY FACILITIES IN THE HOPE THAT WE CAN INFORM OURSELVES EARLIER ON IN THE EVENT. CONSULAR OFFICER WILL, AS IN ALL OTHER ARREST CASES, MEET WITH THE ARRESTED INDIVIDUAL, OFFER EMBASSY LIST OF LAWYERS, SERVE AS COMMUNICATIONS LINK WITH FRIENDS AND RELATIVES IN THE U.S. IN THE EVENT FINANCIAL OR OTHER ASSISTANCE IS REQUIRED, AND BE PRESENT WHEN CASE COMES TO COURT. IT IS LIKELY THAT AS IN THE PAST SOME OF THOSE ARRESTED WILL BE U.S. BASED BUT NOT U.S. CITIZENS I.E. CUBAN PAROLEES. OUR EXPERIENCE IS THAT BOAT OWNER MORE OFTEN THAN NOT IS U.S. CITIZEN WHETHER OR NOT THE PERSON APPREHENDED IS. THIS, PLUS OTHER DIFFICULT PROBLEMS WHICH WOULD OTHERWISE BE GENERATED, SUGGESTS THE NECESSITY FOR EXTENDING CONSULAR ASSISTANCE TO SUCH ARRESTED CUBAN PAROLEES.

3. POSSIBILITY OF CONFLICT: COMMUNICATIONS BETWEEN EMBASSY AND COGUARD MIAMI ALSO MAY HELP US OBTAIN INFORMATION IN ADVANCE OF ANY POTENTIAL CONFLICT IN THE FISHING GROUNDS. IN THAT CASE EMBASSY WOULD ENSURE THAT COGUARD IS INFORMED SO THAT IT CAN TAKE APPROPRIATE STEPS WITH RESPECT TO U.S. BASED VESSELS UNDER AUTHORITIES AVAILABLE TO IT. EMBASSY WOULD FOLLOW COGUARD ADVICE AS TO WHETHER SITUATION ALSO REQUIRES ASSISTANCE OF BAHAMIAN MARINE POLICE AND WOULD SEEK TO OBTAIN SUCH ASSISTANCE AT COGUARD REQUEST.

4. ACTUAL CONFLICT: INsofar AS THERE ARE CONSULAR ASPECTS TO A CONFLICT SITUATION, EMBASSY WOULD PROVIDE SAME SERVICES TO INDIVIDUALS INVOLVED AS IT WOULD WERE THERE DEATH, OR INJURY OR OTHER TYPES OF CONFLICT INVOLVING A U.S. CITIZEN WITHIN THE LAND AREA OF THE CONSULAR DISTRICT. EMBASSY WOULD, OF COURSE, AT THE SAME TIME IN THIS AND SITUATION DESCRIBED IN PARAGRAPH ABOVE, UNDERTAKE TO URGE BAHAMIAN GOVERNMENT TO APPLY ITS RELEVANT LAWS WITH RESPECT TO ITS CITIZENS AS WE WOULD DO WITH OURS, TO END SUCH CONFLICT WITH MINIMUM USE OF FORCE IF BOTH SIDES FAIL TO KEEP CONFLICT FROM HAPPENING.

5. COMMENT: THESE ARE PREPARATIONS FOR WORST CASE SITUATIONS LIMITED OFFICIAL USE

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WHICH WE HOPE WILL NOT OCCUR BUT WHICH IT WOULD BE IMPRUDENT NOT TO PREPARE FOR. OUR INFORMATION AT THIS TIME IS THAT AT PRESENT THERE ARE NO U.S.-BASED BOATS IN THE FISHERY AREAS. BAHAMIAN MARINE POLICE BOATS DID PUT TO SEA AND, FINDING POTS INSIDE THE 12-MILE CFZ, DESTROYED THEM.
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